

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Idaho Independent Television, Inc.,)	
KTRV-TV, Nampa, ID)	ET Docket No. 04-186
Facility ID No. 28230)	
)	ET Docket No. 02-380
TV Translator Station: K58DZ)	
Facility ID No. 54298)	
)	
Request for Waiver of 47 C.F.R. §§ 15.712(b))	
and 15.712(c)(1))	

To: Marlene H. Dortch, Secretary
Attn: Chief, Office of Engineering and Technology

REQUEST FOR WAIVER

Idaho Independent Television, Inc., licensee of KTRV-TV, Nampa, Idaho (“KTRV-TV”), pursuant to Section 1.3 of the Commission’s rules,¹ hereby respectfully requests that the Commission waive the distance limitation established in Sections 15.712(b) and 15.713(c)(1) of its rules protecting TV translator stations from interference from unlicensed Television Band Devices (TVBDs) with respect to translator station K58DZ, which serves communities in rural southeast Oregon.² K58DZ rebroadcasts the over-the-air television signal of full-power television station KTRV-TV to viewers that otherwise cannot receive KTRV-TV’s signal over-the-air. This waiver is necessary to ensure that K58DZ’s viewers’ access to relied-upon service is not disrupted by the commencement of white spaces operation in the TV broadcast-bands.

¹ 47 C.F.R. § 1.3.

² K58DZ is licensed to Quinn River TV Maintenance District (“Quinn River”), which operates 11 translator stations in northern Nevada and southern Oregon.

BACKGROUND

On September 23, 2010, the Commission adopted final rules governing the introduction of unlicensed TVBDs for operation on spectrum in the TV bands (or “white spaces”).³ Section 15.712(b) of the rules states that TV translators “located outside the protected contour of the TV station(s) being received may be registered in the TV bands database if they are no farther than 80 km outside the nearest edge of the relevant contour(s).”⁴ In adopting the final rules, the Commission recognized that TV translators “that receive TV station signals” may be “located at distances beyond 80 km from the edge of the television station’s protected service contour” and acknowledged concerns about “possible disruption of service” to viewers in those areas from unlicensed TVBDs.⁵ The Commission noted that such TV translators generally serve remote areas where there are likely to be multiple other frequencies open to TVBD operation.⁶

To address the problem of potential service disruptions, the Commission provided that parties may apply for a waiver of the distance rule for current TV translators with receive sites located beyond the 80 km protected zone.⁷ Grant of the requested waiver will permit affected translators to register in the FCC’s white spaces database.⁸

³ Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, *Second Memorandum Opinion and Order*, 25 FCC Rcd 18661 (2010) (the “*Order*”), *corrected by Erratum*, ET Docket No. 04-186, ET Docket No. 02-380 (OET rel. Oct. 19, 2010).

⁴ 47 C.F.R. § 15.712(b).

⁵ *Id.* at para. 42.

⁶ *See id.*

⁷ *Id.* The *Order* requires that waivers for existing TV translators outside the 80 km protection zone be filed within 90 days of the effective date of the White Spaces rules. The rules went into effect on Jan. 5, 2011. 75 Fed. Reg. 75614 (rel. Dec. 6, 2010). This request, therefore, is timely filed. TV translator operators that commence operation in the future with receive sites located beyond the co-channel and adjacent protection distances may apply for a waiver of those distances within 90 days of commencing operation. *Order* at para. 42.

⁸ As noted in the *Order*, such waiver requests would also involve shifting the 20 km adjacent channel protection distance so that it is measured from the actual receive site. *See Order* at para. 42.

DISCUSSION

KTRV-TV is the Fox affiliate for the Treasure Valley area of southwestern Idaho, and is the nearest and only available Fox affiliate for the viewers in K58DZ's remote southeastern Oregon service area.⁹ K58DZ rebroadcasts KTRV-TV's signal to viewers in this area, who, absent service from K58DZ, would not have any over-the-air access to KTRV-TV or any other local Fox affiliate. To provide this enhanced television service to its viewers, Quinn River constructed K58DZ's facilities in 1994 and has operated the station ever since.¹⁰ K58DZ receives KTRV-TV's signal on translator input channel 13, and rebroadcasts the signal over-the-air to viewers on NTSC Channel 58. K58DZ's receive site is located approximately 91.09 km (54.65 miles) from the protected contour of station KTRV-TV, and thus exceeds the 80 km protection zone that the rules provide for TV translators.¹¹

Without a waiver of the distance rules, K58DZ's reception and rebroadcast of KTRV-TV's signal could be seriously disrupted by unlicensed TVBDs operating within the beamwidth of the distant signal, resulting in the loss of that station's programming in K58DZ's southeastern Oregon service area. KTRV-TV respectfully requests, therefore, that the Commission waive the distance requirement in section 15.712(b) and permit the company to register TV translator K58DZ in the TV Band geo-location database in order to protect it from harmful interference

⁹ Idaho Independent Television, Inc. is a local television operating affiliate of Block Communications, which owns or operates five full-power television stations in mid-sized markets in Ohio, Kentucky, and Illinois, and Idaho.

¹⁰ K58DZ's receive antenna is located at 42° 10' 43.00" N Latitude, 117° 44' 19.00" W Longitude (NAD 27).

¹¹ The attached map, derived from license data included in the FCC's technical databases and compiled through the Commission's TV Q TV Database Query interface (the "TVQ Database"), available at <http://www.fcc.gov/mb/video/tvq.html>, illustrates the distance from K58DZ's receive site and the outer edge of KTRV-TV's service contour. The distance was calculated by: (1) using the TV Q Database mapping functionality to plot the service contours of KTRV-TV and K58DZ onto satellite maps provided by Google Earth; and (2) using the "ruler" function in Google Earth to measure the distance from K58DZ's transmitter to the outer edge of KTRV-TV's service contour. *See* Exhibit A.

from TVBDs. KTRV-TV also requests that the waiver provide that the 20 km adjacent channel protection zone be measured from the TV translator site. This waiver will ensure that valuable broadcast television programming continues to be available without disruption to K58DZ's viewers. Preservation of the relied-upon over-the-air broadcast service provided by K58DZ is an important public interest that justifies waiver of the distance limitation in this case.

CONCLUSION

For the reasons stated above, KTRV-TV requests that the Commission grant waiver of Sections 15.712(b) and 15.713(c)(1) of the Commission's rules to permit registration of K58DZ in the FCC's white spaces database.

Respectfully submitted,

IDAHO INDEPENDENT TELEVISION, INC.

A handwritten signature in black ink, appearing to read "Jason E. Rademacher".

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Its attorneys.

April 5, 2011

EXHIBIT

A

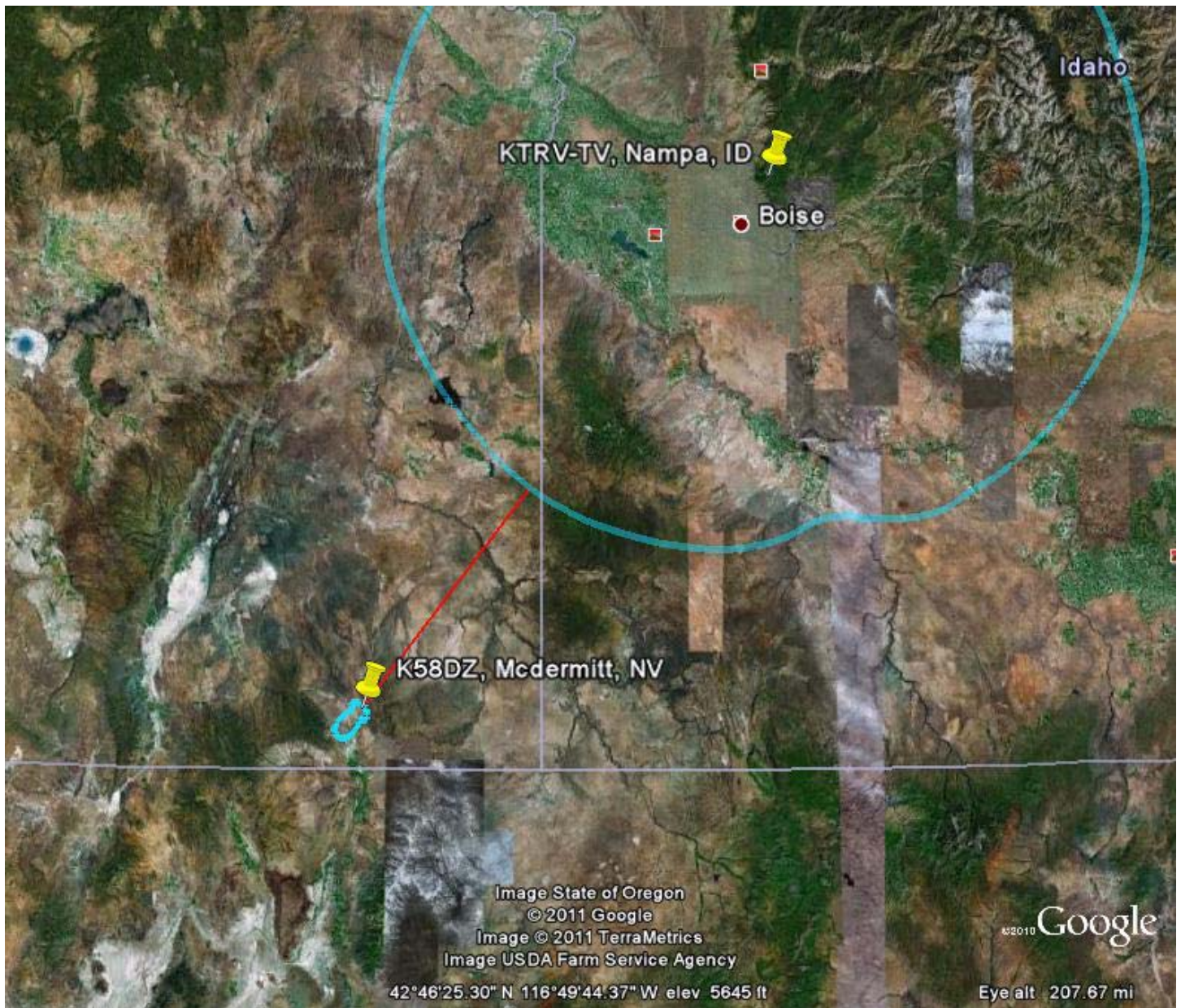


Image State of Oregon
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CERTIFICATE OF SERVICE

I, Jason E. Rademacher, do hereby certify that a true and correct copy of the foregoing “Request for Waiver” was served by electronic mail, on the 5th day of April, 2011 on the following:

Alan R. Stillwell
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_____/s/
Jason E. Rademacher